

**UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF VERMONT**

**MAJESTIC CORPORATION  
OF AMERICA, INC.,  
Plaintiff**

**v.**

**JOSEPH CREPEAU,  
Defendant**

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**File No. 1:06-CV-35**

**ORDER FOR AWARD OF ATTORNEY'S FEES  
AND EXPENSES TO PLAINTIFF**

After a thorough review of plaintiff's Memorandum in Support of Award of Legal Fees and Expenses and attached exhibits (Paper 58), and defendant's Memorandum in Opposition (Paper 59), the Court finds as follows:

1. Plaintiff's counsel's hourly rate of \$170 per hour is reasonable.
2. The total attorney hours devoted to the preparation of the contract, injunctive and attorney's fees portions of the lawsuit (276.4) times the hourly rate of \$170 is \$46,988.00. The Court disagrees with the defendant that a substantial portion of plaintiff's counsel's time was spent on the breach of contract portion of the lawsuit, but it is apparent a relatively minor amount of time was spent in pursuing contract damages against the defendant and preparing for a hearing on the issue of the reasonableness of damages.
3. It is difficult to separate the time spent by plaintiff's counsel on the non-injunctive phase of the lawsuit, but from a review of the billing records it appears that approximately fifteen percent (15%) of counsel's efforts was expended in these

endeavors. Fifteen percent of \$46,988.00 is \$7,048.00, leaving \$39,940 as that portion of the total fees expended by plaintiff's attorney in the injunctive phase of the lawsuit and the request for attorney's fees.

4. The expenses of \$3,822.53 are reasonable and were incurred in connection with the injunctive phase of the litigation.

5. Therefore, attorney's fees and expenses are awarded to the plaintiff as follows:

Attorney's fees:	\$ 39,940.00
Expenses:	<u>3,822.53</u>
Total:	\$ 43,762.53

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 3<sup>rd</sup> day of January, 2008.

/s/ J. Garvan Murtha  
J. Garvan Murtha  
United States District Judge